

REMARKS

I. Status Of The Claims

Claims 2-11 and 13-58 are pending in this Application.

Claims 4, 5, 15-17, and 23-58 have been withdrawn from consideration.

Claims 2, 3, 6-11, 13, 14, 18-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki (U.S. Patent No. 5,497,215) in view of Hirt (U.S. Patent No. 5,883,830).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki in view of Hirt and Akashi (U.S. Patent No. 5,615,399).

With this response claims 2, 3, 6-11, 13, 14, and 18-22 are amended.

Claims 2 and 14 are independent.

II. Rejections Under 35 U.S.C. 103(a)

The Office Action rejects independent claims 2 and 14 under 35 U.S.C. 103(a) as being unpatentable over Iwasaki in view of Hirt. The Applicant respectfully disagrees with the rejection, noting that the references, taken individually or in combination, fail to disclose, teach, or suggest all aspects of those claims.

For example, Iwasaki and Hirt, taken individually or in combination, fail to disclose, teach, or suggest:

“... a controller, wherein said controller controls charge accumulation of said photoelectric converter on the basis of the control information stored in said storage elements”
(emphasis added)

as set forth in independent claim 2, or

“...reading out respective control information from a

plurality of memories each of which is corresponding to respective one of said photoelectric conversion elements, and respectively controlling the charge accumulation of each of said photoelectric conversion elements on the basis of respective control information"

as set forth in independent claim 14.

The Office Action contends that such is disclosed by each of Iwasaki and Hirt.

The Applicant disagrees.

With regard to Iwasaki, the Office Action argues that reference numerals 16 and 17 of the reference are storage means. The Applicant respectfully disagrees. The elements denoted by numerals 16 and 17 fail, for instance, to provide storing functionality, and merely perform accumulation control of the photometry areas 10a and 10b based on the signal from the AD converter 11. There is no disclosure, teaching, or suggestion in Iwasaki that the elements denoted by the numerals 16 and 17 provide storing functionality.

Accordingly, Iwasaki fails to disclose, teach, or suggest at least "control[ing] charge accumulation ... on the basis of the control information stored in said storage elements" as set forth in claim 2 (emphasis added), or "reading out respective control information from a plurality of memories ... and respectively controlling the charge accumulation ... on the basis of respective control information" as set forth in claim 14 (emphasis added).

With regard to Hirt, the Office Action apparently argues that the above-identified aspects of claims 2 and 14 are disclosed by Figs. 4 and 5 of the reference, the Office Action stating "... 'control means' to control 'charge accumulation of photoelectric conversion means' [are] shown in Figures 4-5...".

However, Hirt indicates the programming signal applied to the gate of the driver transistor 306 as shown in Figs. 4 and 5 to merely control the level of the signal read out from

the driver transistor 306. There is no disclosure, teaching, or suggestion, for instance, that the programming signal controls photodiode accumulation operation. In Hirt, the programming signal merely controls the level of the signal when the signal is read out after the accumulation operation of the photodiode has been completed.

In view of at least the foregoing, the Applicant respectfully submits that independent claims 2 and 14 are in condition for allowance. Moreover, those claims that depend therefrom are thought to be allowable for at least the same reasons.

CONCLUSION

The Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4478. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response

timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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